

**ACM: Dr. Eric A. Johnson**

**FILE NUMBER:**                      Z190-298(CT)                      **DATE FILED:** July 2, 2020

**LOCATION:**                              Northwest corner of President George Bush Turnpike and Frankford Road

**COUNCIL DISTRICT:**      12                                      **MAPSCO:**              3 H

**SIZE OF REQUEST:**      ±11.724 acres                      **CENSUS TRACT:**      216.37

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**REPRESENTATIVE:**              Maxwell Fisher, MASTERPLAN

**APPLICANT:**                              Integrated Real Estate Group

**OWNER:**                                      Buckner Investments, LLC, American Energy Distribution, LP, Armstrong Frankford 190, LLC, City Credit Union, Fatima Investments, INC, Impact Church Lonestar

**REQUEST:**                                      An application for (1) a Planned Development District for MU-1 Mixed Use District uses; and (2) the termination of deed restrictions [Z978-175 and Z978-174] on property zoned an CR Community Retail District with deed restrictions [Z978-175 and Z978-174].

**SUMMARY:**                                      The purpose of the request is to allow for a mixed-use development to include multifamily and retail components and remove deed restrictions that restrict setbacks, landscaping, land uses, and allowed uses on the property.

**CPC RECOMMENDATION:**              **Approval**, subject to a development plan and conditions; and approval of the termination of deed restrictions.

**STAFF RECOMMENDATION:**              **Approval**, subject to a development plan and conditions; and approval of the termination of deed restrictions.

## **BACKGROUND INFORMATION:**

- The request site is developed with a fueling station, a financial institution, a church, and a large portion of the site is undeveloped.
- The applicant is proposing a mixed-use development to include 400 multifamily development and commercial/retail development.

**Zoning History:** There have been four recent zoning change requests in the vicinity within the last five years.

1. **Z190-272** On October 28, 2020, City Council approved a reduction and amendment to Specific Use Permit No. 1012 for a public school.
2. **Z178-228** Auto renewal of Specific Use Permit No. 967 for a child-care facility for a five-year period with eligibility for automatic renewal for additional five-year periods.
3. **Z178-208** Auto renewal of Specific Use Permit No. 2205 for an animal shelter and clinic with outside runs for a five-year period with eligibility for automatic renewal for addition five-year periods.
4. **Z167-314** An application for a CS Commercial Service District on property zoned an NS(A) Neighborhood Service District was withdrawn.

## **Thoroughfares/Streets:**

| <b>Thoroughfare/Street</b>     | <b>Type</b>        | <b>Existing ROW</b> |
|--------------------------------|--------------------|---------------------|
| Frankford Road                 | Principal Arterial | 100'                |
| President George Bush Turnpike | Highway            | Variable            |

## **Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

## **COMPREHENSIVE PLAN:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The proposed zoning request meets the following goals and objectives of the comprehensive plan:

## **LAND USE ELEMENT**

### **GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

**Policy 1.1.5** Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

**1.1.5.7** Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools.

### **GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS**

**Policy 1.3.1** Create housing opportunities throughout Dallas

## **Urban Design Element**

### **GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

**Policy 5.1.3** Encourage complementary building height, scale, design and character

### **GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY.**

**Policy 5.2.1** Maintain neighborhood scale and character.

*The Neighborhood Plus Plan* was adopted by the City Council in October 2015 to set a new direction and shape new policy for housing and neighborhood revitalization in Dallas. The final chapter, Strategic Goals, delineates six strategic goals to shift our approach, policies and actions to achieve greater equity and prosperity for all Dallas residents, expand the range of housing options, and enhance the quality of neighborhoods.

### **GOAL 6. ENHANCE RENTAL HOUSING OPTIONS**

**Policy 6.2** Expand affordable housing options and encourage its distribution throughout the city and region.

**Surrounding Land Uses:**

|              | <b>Zoning</b>   | <b>Land Use</b>                                  |
|--------------|---|--|
| <b>Site</b>  | CR Community Retail District<br>Deed Restrictions [Z978-174] & [Z978-175]   | Church<br>Fueling Station<br>Bank<br>Undeveloped |
| <b>North</b> | MF-1(A) with Deed Restrictions [Z801-123]                                   | Multifamily                                      |
| <b>South</b> | R-5(A) w/ Deed Restrictions [890-119];<br>CR, TH-3(A)                       | Single Family<br>Office                          |
| <b>East</b>  | CR Community Retail District w/ Deed<br>Restrictions [801-136] on a portion | Retail/Personal Service                          |
| <b>West</b>  | MF-2(A) w/ Deed Restrictions [Z801-136];<br>TH-2(A)                         | Multifamily<br>School                            |

**Land Use Compatibility**

The request site is currently developed with a fueling station, financial institution, and church. The subject site is proposed to be developed with three and four-story structures with a total floor area of 117,814 square-feet for multifamily uses and a retail component to include a one-story, 12,500-square-foot retail building. Surrounding land uses consist of multifamily to the north of the subject site. South of the site across Frankford Road are single family dwellings. Directly east of the site is the President George Bush Turnpike and west is multifamily.

The site has deed restrictions (Z978-174 & Z978-175) on the property limiting uses. The applicant proposes to remove deed restrictions.

The proposed development will be divided into two subareas. The subareas are mainly separating the residential portion of the property from the retail component. The proposed uses within Subarea A will be limited to convalescent and nursing homes, hospice care, and related institutions, local utilities, multifamily, retirement housing, single family or duplex, tower/antenna for cellular communication mounted on the roof or attached to a building or parking structure.

Subarea B is proposed to be limited to child care facility, commercial amusement (inside) by SUP, dry cleaning or laundry store, general merchandise or food store 3,500 square feet or less, general merchandise or food store greater than 3,500 square feet, local utilities, medical clinic or ambulatory center, multi-family, office, personal service uses. *[Except massage establishment and tattoo or body piercing studio.]*, restaurant with a drive-in or drive-through service provided use is part of a multi-tenant building, restaurant without drive-in or drive-through service, retirement housing, single family,

tower/antenna for cellular communication mounted on the roof or attached to a building or parking structure.

### Development Standards:

| <u>DISTRICT</u>                      | <u>SETBACKS</u> |   | Density                                     | Height           | Lot Coverage | Special Standards                   | PRIMARY Uses            |
|--------------------------------------|-----------------|---|---|------------------|--------------|-------------------------------------|-------------------------|
|                                      | Front*          | Side/Rear*  |   |                  |              |                                     |                         |
| CR<br>Community Retail<br>– existing | 15'             | 20'<br>adjacent<br>to<br>residential<br>OTHER:<br>No Min. | 0.5 for office<br>0.75 all uses<br>combined | 54'              | 60%          | Proximity Slope<br>Visual Intrusion | Retail/Personal Service |
| New PD Subarea A<br>– proposed       | *               | *   | 400 units                                   | 55'<br>4 stories | 60%          | Design<br>Standards                 | Multifamily             |
| New PD Subarea B<br>– proposed       | *               | *   | 0 units                                     | 32'              | 60%          | Design<br>Standards                 | Retail/Personal Service |

\*Setbacks for the proposed Planned Development District are as follows:

- 15 feet along Frankford Road
- 15 feet along President George Bush Turnpike service road
- 10 feet along the western boundary of the Property
- 15 feet along the northern boundary of the Property

Staff considers the requested to be compatible with the surrounding neighborhood as there are many multifamily and retail use in the area. Nearby developments fulfill the need of large retailers and the property is better suited for uses other than those allowed in a CR District. The CR District does not allow for residential uses. The base number of units allowed in the Planned Development District is 350. Should the development provide the greater of a minimum of 27 dwelling units or seven percent of the total dwelling units at Income Band 2 (61% to 80% of the Area Median Family Income, the maximum number of 400 dwelling units are allowed. The development also adds a 1,000-square-foot open space and two 500-square-foot common green space areas in Subarea A

**Parking:**

The PD conditions will follow parking regulations contained in Division 51A-4.200 for off-street parking/loading requirements for each use. Added conditions include the ability for required parking to be provided in any subarea. The Planned Development District is deemed one lot for the purpose of parking requirements. The applicant originally requested to have tandem parking. During the CPC hearing, the applicant agreed to remove the tandem parking condition.

**Landscaping**

Landscaping must be provided in accordance with Article X, as amended with a minimum street buffer zone of five feet for subarea B along President George Bush Turnpike and a residential buffer zone between subareas is not required.

**Market Value Analysis**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not categorized as being within an MVA cluster, surrounding properties to the north and south, and east are located within an "E" Category.

|                         |
|-------------------------|
| <b>LIST OF OFFICERS</b> |
|-------------------------|

**Buckner Investments, LLC**

Shanali Bhagat, President

**American Energy Distribution, LP**

Shawn Bhagat, CEO

**Armstrong Frankford 190, LLC**

Dru A. Sedwick, CEO & Secretary  
Christopher S. King, CFO & Treasurer  
Kevin Parker, President

**City Credit Union**

Alan Richardson, Board Chair  
Larry McDaniel, Vice Chair  
Bonnie Ambrose, Secretary  
Gloria Lopez Carter, Treasurer  
Gilbert Aguilar  
Mary Bland  
Armin Cruz  
Chandra Marshall-Henson  
Craig Miller  
Sharon Moore

**Fatima Investments, INC**

Aziz A. Dhanani, CEO and Secretary

**Impact Church Lonestar**

Dr. Kwesi R. Kamau, Lead Pastor  
Wesley Perine, Children and Youth Pastor  
Monica Dawson, Executive Administrator  
Glenda Rouse, Ministry Development and Global Outreach  
Janet Newton Church Secretary

**CPC ACTION**  
**October 15, 2020**

**Motion:** It was moved to recommend 1) **approval** of a Planned Development District for MU-1 Mixed Use District uses, subject to a development plan and revised conditions (distributed 10/15/2020) with removal of tandem parking language; and 2) **approval** of the termination of deed restrictions Z978-175 and Z978-174 on property zoned an CR Community Retail District with deed restrictions [Z978-175 and Z978-174], on the northwest corner of President George Bush Turnpike and Frankford Road.

Maker: Schwope  
Second: Carpenter  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Johnson,  
Shidid, Carpenter, Jackson, Blair, Jung,  
Myers, Schwope, Murphy, Garcia, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 11

**Notices:** Area: 500 Mailed: 110  
**Replies:** For: 3 Against: 5

**Speakers:** For: Maxwell Fisher, 2201 Main St., Dallas, TX, 75201  
Kenneth Fambro, 317 Edinburgh Ct., Southlake, TX, 76092  
For (Did not speak): Michael Wilson, 1 Armstrong Pl., Butler, PA, 16001  
Kevin Parker, 1 Armstrong Pl., Butler, PA, 16001  
Against: None  
Against (Did not speak): Henry Marquez, 17955 Mary Margaret St., Dallas, TX, 75287  
Staff: David Nevarez, Traffic Engineer, Sustainable Development &  
Construction



**PROPOSED PD CONDITIONS**

**ARTICLE \_\_\_\_.**

**PD .**

**SEC. 51P-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD \_\_\_\_ was established by Ordinance No. \_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_. (Ord. \_\_\_\_\_)

**SEC. 51P-\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_ is established on property located on the northwest corner of President George Bush Turnpike and Frankford Road. The size of PD \_\_\_\_ is approximately 11.724 acres. (Ord. \_\_\_\_\_)

**SEC. 51P-\_\_\_\_.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district:

(1) BAIL BOND OFFICE means an office for the issuance, brokerage, or procurement of bail bonds, whether as an accessory use or a main use.

(2) MASSAGE ESTABLISHMENT and MASSAGE mean a massage establishment or massage as defined by Texas Occupation Code Chapter 455, as amended.

(3) TATTOO OR BODY PIERCING STUDIO means a business in which tattooing or body piercing is performed. Tattooing means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. Body piercing means the piercing of body parts, other than ears, for purposes of allowing the insertion of jewelry.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district. (Ord.\_\_\_\_)

**SEC. 51P-\_\_\_\_.104. EXHIBITS.**

The following exhibit is incorporated into this article:

(1) Exhibit A: development plan for Subareas A and B

**SEC. 51P-\_\_\_\_.105. CREATION OF SUBAREAS.**

This district is divided into two subareas: Subarea A and Subarea B. (Ord.\_\_\_\_)

**SEC. 51P-\_\_\_\_.106. CONCEPTUAL PLAN.**

(a) A conceptual plan is not required.

**SEC. 51P-\_\_\_\_.107. DEVELOPMENT PLAN.**

(a) Development of Subareas A and B must comply with the development plan for Subareas A and B (Exhibit\_\_\_\_). If there is a conflict between the text of this article and the development plan for Subareas A and B, the text of this article controls.

**SEC. 51P-\_\_\_\_.108. MAIN USES PERMITTED.**

(b) Subarea A. The following uses are the only main uses permitted:

- Convalescent and nursing homes, hospice care, and related institutions.
- Local utilities.
- Multifamily.
- Retirement housing.
- Single family or duplex.
- Tower/antenna for cellular communication. *[Must be mounted on the roof or attached to a building or parking structure.]*

(c) Subarea B. The following uses are the only main uses permitted:

- (1) Office uses.
  - Medical clinic or ambulatory center
  - Office [Except bail bond office]
- (1) Retail and personal services.
  - Child care facility
  - Commercial amusement (inside). SUP
  - Dry cleaning or laundry store.
  - General merchandise or food store 3,500 square feet or less.
  - General merchandise or food store greater than 3,500 square feet.
  - Personal service uses. *[Except for massage establishment or massage, and tattoo or body piercing studio.]*
  - Restaurant with a drive-in or drive-through service provided use is part of a multi-tenant building
  - Restaurant without drive-in or drive-through service.
- (2) Utility and public service uses.

- Local utilities.
- Tower/antenna for cellular communication. *[Must be mounted on the roof or attached to a building or parking structure.]*

**SEC. 51P-\_\_\_\_.109. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. (Ord. 28924)

**SEC. 51P-\_\_\_\_.110. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) All subareas. Except as provided in this section, the yard, lot, and space regulations for the MU-1(A) Mixed Use District apply.

(1) Setbacks.

(A) The setbacks apply to the perimeter of the Property only. Setbacks are not required between subareas or lots.

(B) Except as provided in this subsection, minimum setback is:

- (i) 15 feet along Frankford Road.
- (ii) 15 feet along President George Bush Turnpike service road.
- (iii) 10 feet along the western boundary of the Property.
- (iv) 15 feet along the northern boundary of the Property.

(2) Urban Form Setback and Tower Spacing. No urban form setback is required. No tower spacing is required.

(3) Projections.

(A) For residential uses, balconies, bay windows, awnings, patios, signs, and entryways affixed to the building or part of the foundation may project up to five feet into a required setback.

(B) Stoops, retaining walls, benches, pots, raised planters, sculptures, cabanas and other decorative landscape items may be located within the required setback.

(b) Subarea A.

(1) Density. Maximum number of dwelling units is 350. If compliant with Section 51A-\_\_\_-117 below, the maximum number of dwelling units is 400.

(2) Floor area. There is no floor area maximum.

(3) Height. Maximum structure height is 55 feet. Roof-mounted mechanical equipment may project up to 12 feet above the maximum structure height.

(4) Lot Coverage. The maximum lot coverage is 60 percent.

(5) Lot size. No minimum lot size.

(6) Stories. The maximum number of stories is four.

(c) Subarea B.

(1) Floor area. Maximum floor area is 13,000 square feet for non-residential uses.

(2) Height. Maximum structure height is 24 feet.

(3) Lot Coverage. The maximum lot coverage is 50 percent.

(4) Lot size. No minimum lot size.

**SEC. 51P-\_\_\_,111. OFF-STREET PARKING AND LOADING.**

(a) Except as provided in this section, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(b) Required parking for any use in this district may be provided in any subarea.

(c) For the purposes of complying with parking requirements, the entire PDD district is deemed as one lot.

**SEC. 51P-\_\_\_,112. DESIGN STANDARDS.**

(a) Purpose. These design standards are intended to ensure that continuous facades that are located along well-traveled pedestrian ways are compatible with the surrounding area and mitigate the negative impact of continuous facades, while allowing creativity, flexibility, and variety in design.

(b) Facade walls. Facade walls facing a public right-of-way must incorporate at least three of the following design elements. The remaining facade walls must incorporate at least two of the following design elements. Except for provision (3), the cumulative length of these design elements must extend for at least 50 percent of the facade wall's horizontal length.

(1) A repeating pattern of wall recesses and projections, such as bays, offsets, reveals, or projecting ribs, that has a relief of at least eight inches.

- (2) Trim, molding, or accent elements using decorative contrasting colors on at least five percent of the area of the facade wall.
  - (3) Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
  - (4) A repeating pattern of pilasters projecting from the facade wall by a minimum of eight inches or architectural or decorative columns.
  - (5) Display windows, faux windows, or decorative windows.
  - (6) Arcades, awnings, canopies, covered walkways, or porticos.
  - (7) Any other comparable design elements approved by the building official.
- (c) Facade wall changes. Facade walls must have one or more of the following:
- (1) Changes of color, texture, or material, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.
  - (2) Changes in plane with a depth of at least 24 inches, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.

**SEC. 51P-\_\_\_\_.113. LANDSCAPING.**

- (a) Except as provided in this section, landscaping must be provided in accordance with Article X.
- (1) In subarea B, the required street buffer zone depth along the President George Bush Turnpike is 5 feet.
  - (2) A residential buffer zone between subareas is not required.

**SEC. 51P-\_\_\_\_.114. SIDEWALKS AND PEDESTRIAN AMENITIES.**

- (a) Sidewalks.
- (1) A minimum five-foot-wide sidewalk with at least four feet of unobstructed width must be provided along Frankford Road and must be located between two and 10 feet of the back of curb.
  - (2) A sidewalk is not required along the President George Bush Turnpike Service Road. An internal sidewalk is required to connect Subareas A and B to Frankford Road. The location and specifications of the sidewalk shall be provided as part of the building permit application.

**SEC. 51P-\_\_\_\_.115. SIGNS.**

- (a) In subarea A, signs must comply with the provisions for non-business zoning districts in Article VII.

- (b) In subarea B, signs must comply with business zoning districts in Article VII.

**SEC. 51P-\_\_\_\_.116 RESIDENTIAL AMENITIES**

- (a) A minimum 1,000-square foot common amenity courtyard is required in Subarea A.
- (b) A minimum of two 500-square foot common greenspace areas are required in Subarea A.

**SEC. 51P-\_\_\_\_.117. DEVELOPMENT BONUS FOR MIXED INCOME HOUSING**

(a) A multifamily project qualifies for the development bonus in Section 51P-\_\_\_\_.110(b) if a minimum of 27 dwelling units, or seven percent of the total dwelling units, whichever is greater, are provided at Income Band 2 (between 61 percent and 80 percent of Area Median Family Income) and in compliance with Division 51A-4.1100.

- (b) Compliance with Section 51A-4.1107 is not required.

**SEC. 51P-\_\_\_\_.118. ADDITIONAL PROVISIONS.**

- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

**SEC. 51P-\_\_\_\_.119. COMPLIANCE WITH CONDITIONS.**

- (a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.
- (b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.



|   |
|---|
| <b>Deed Restrictions To Be Terminated</b> |
|---|

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DEED RESTRICTIONS

THE STATE OF TEXAS        )  
                                       )  
 COUNTY OF DENTON        )        KNOW ALL PERSONS BY THESE PRESENTS:

## I.

The undersigned, James J. Hartnett, P.C., a Texas Professional Corporation, Will Ford Hartnett, individually, and James J. Hartnett, Jr., individually, ("the Owners") are the owners of the following described property ("the Property"), being in particular a tract of land out of the William Miller Survey, Abstract No. 883, City Block 8751, City of Dallas ("City"), Denton County, Texas, and which is comprised of the same tract of land conveyed to James J. Hartnett, P.C., a Texas Professional Corporation by substitute trustee's deed dated November 1, 1994 and recorded in the Deed Records of Denton County, Texas, County Clerk No. 94-R0082511, a portion of which was conveyed to Will Ford Hartnett, individually, by James J. Hartnett, P.C., by General Warranty Deed dated November 14, 1996, and recorded in the Deed Records of Denton County, Texas, County Clerk No. 96-R0081533, and a portion of which was conveyed to James J. Hartnett, Jr., individually, by James J. Hartnett, P.C., by General Warranty Deed dated January 15, 1997, and recorded in the Deed Records of Denton County, Texas, County Clerk No. 97-R0067954, and being more particularly described in Exhibit A attached hereto and incorporated herein for all purposes.

## II.

The Owners do hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. No building will be located within thirty feet (30') of the north right-of-way line of Frankford Road.
2. A landscape buffer twenty-five feet (25') in width and containing at least a three foot (3') high grass or ground cover berm will be constructed and maintained adjacent to the north right-of-way line of Frankford Road. Said buffer shall contain at least fifty-five (55) 5-gal. shrubs. This area will contain 3 1/2" caliper Live Oak trees planted thirty feet (30') on center, except for driveway openings and visibility corner clips. Any protected tree, located in the landscape buffer, which is retained, shall count toward the required trees on a tree per tree basis. Said landscape buffer and Live Oak trees shall be installed prior to the issuance of a certificate of occupancy.
3. There shall not be more than one detached premise sign along Frankford Road. Said sign shall not exceed a maximum height of ten feet (10') and a maximum effective area of one hundred square feet (100-sq. ft.). This sign may be incorporated in the landscape buffer and located on said berm. Non-premise signs within five hundred feet (500') of the north



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right-of-way line of Frankford Road are prohibited and may only be located within one hundred feet (100') of the SH 190 right-of-way.

4. No building located within two hundred fifty feet (250') of the north right-of-way line of Frankford Road may exceed two (2) stories and thirty-six feet (36') in height.
5. No tower/antenna for cellular communications, except mounted cellular antenna may be located within two hundred fifty feet (250') of the existing northern right-of-way line of Frankford Road.
6. The maximum permitted floor area ratio for retail uses shall not exceed 0.35 to 1.00.
7. The maximum permitted floor area ratio for office uses shall not exceed 0.50 to 1.00.
8. Any roof mounted mechanical equipment must be screened.
9. Parking lot lights may not exceed twenty-two feet (22') in height and must be fitted with a shielded type of directional fixture to direct light onto the Property and away from adjacent properties.
10. No more than one drive-through restaurant shall be located within one hundred fifty feet (150') of the north right-of-way line of Frankford Road.
11. The only uses permitted on the Property are:
  - A. Agricultural uses:
    - *Crop production*
  - B. Commercial and business service uses:
    - *Catering Service*
  - C. Institutional and community service uses:
    - *Adult day care facility*
    - *Cemetery or mausoleum*
    - *Child-care facility*
    - *Church*
    - *Community service center*
    - *Library, art gallery, or museum*
    - *Public or private school*
  - D. Miscellaneous uses:
    - *Temporary construction or sales office*
    - *Placement of fill material*
  - E. Office uses:
    - *Financial institution without drive-in window*
    - *Financial institution with drive-in window*
    - *Medical clinic or ambulatory surgical center*

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- *Office*

## F. Recreation uses:

- *Country club with private membership*
- *Private recreation center, club or area*
- *Public park, playground, or golf course*

## G. Retail and personal service uses:

- *Auto service center only in conjunction with a motor vehicle fueling station*
- *Car wash only in conjunction with a motor vehicle fueling station*
- *Dry cleaning or laundry store*
- *Furniture Store*
- *General merchandise or food store 3,500 square feet or less*
- *General merchandise or food store greater than 3,500 square*
- *Home improvement center, lumber, brick or building materials sales yard*
- *Motor vehicle fueling station*
- *Nursery, garden shop, or plant sales*
- *Personal service use*
- *Restaurant without drive-in or drive-through service*
- *Restaurant with drive-through service.*

## H. Utility and public service uses:

- *Electrical substation*
- *Local utilities*
- *Police or fire station*
- *Post office*
- *Radio, television, or microwave tower*
- *Tower/antenna for cellular communication*
- *Utility or government installation other than listed*

## III.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

## IV.

These restrictions may be amended or terminated only after public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the

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**DEED RESTRICTIONS**

THE STATE OF TEXAS           §  
    §     KNOW ALL PERSONS BY THESE PRESENTS:  
 COUNTY OF DENTON           §

**I.**

The undersigned, **James M. Harris, Trustee** (undivided 7/9th interest) and **Gardcom, Ltd. Money Purchase Pension Plan & Trust** (Individual Accounts of James M. Harris and Adam Harris) 2/9th individual interest ("the Owners"), are the owners of the following described property ("the Property"), being in particular a tract of land out of the William Miller Survey, Abstract No. 883, and J. McCarts Survey, Abstract No. 885, City Block 8751, City of Dallas ("City"), Denton County, Texas, and being that same tract of land conveyed to James H. Harris, Trustee (undivided 7/9th interest) and Gardcom, Ltd. Money Purchase Pension Plan and Trust (Individual Accounts of James M. Harris and Adam Harris, 2/9th undivided interest) by Mark A. Weisbart, Trustee, by deed dated October 11, 1996, and recorded in the Deed Records of Denton County, Texas under Instrument Number 96-R0073836, and being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

**II.**

The Owners do hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. No building will be located within fifty feet (50') of the north right-of-way line of Frankford Road.
2. A landscape buffer twenty-five feet (25') in width and containing a three foot (3') high berm with grass or ground cover will be planted adjacent to the northern right-of-way line of Frankford Road. This area will contain 3 1/2" Live Oak trees planted twenty-five foot (25') on center, except for driveway openings and visibility corner clips. Any protected tree located in the landscape buffer which is retained will count toward the required trees on a tree per tree basis. Said landscape buffer and Live Oak trees shall be installed prior to the issuance of a certificate of occupancy on the Property. The twenty-five foot (25') landscape buffer shall contain at least one hundred seventy (170) five (5) gallon shrubs and shall be maintained in a healthy, growing condition.

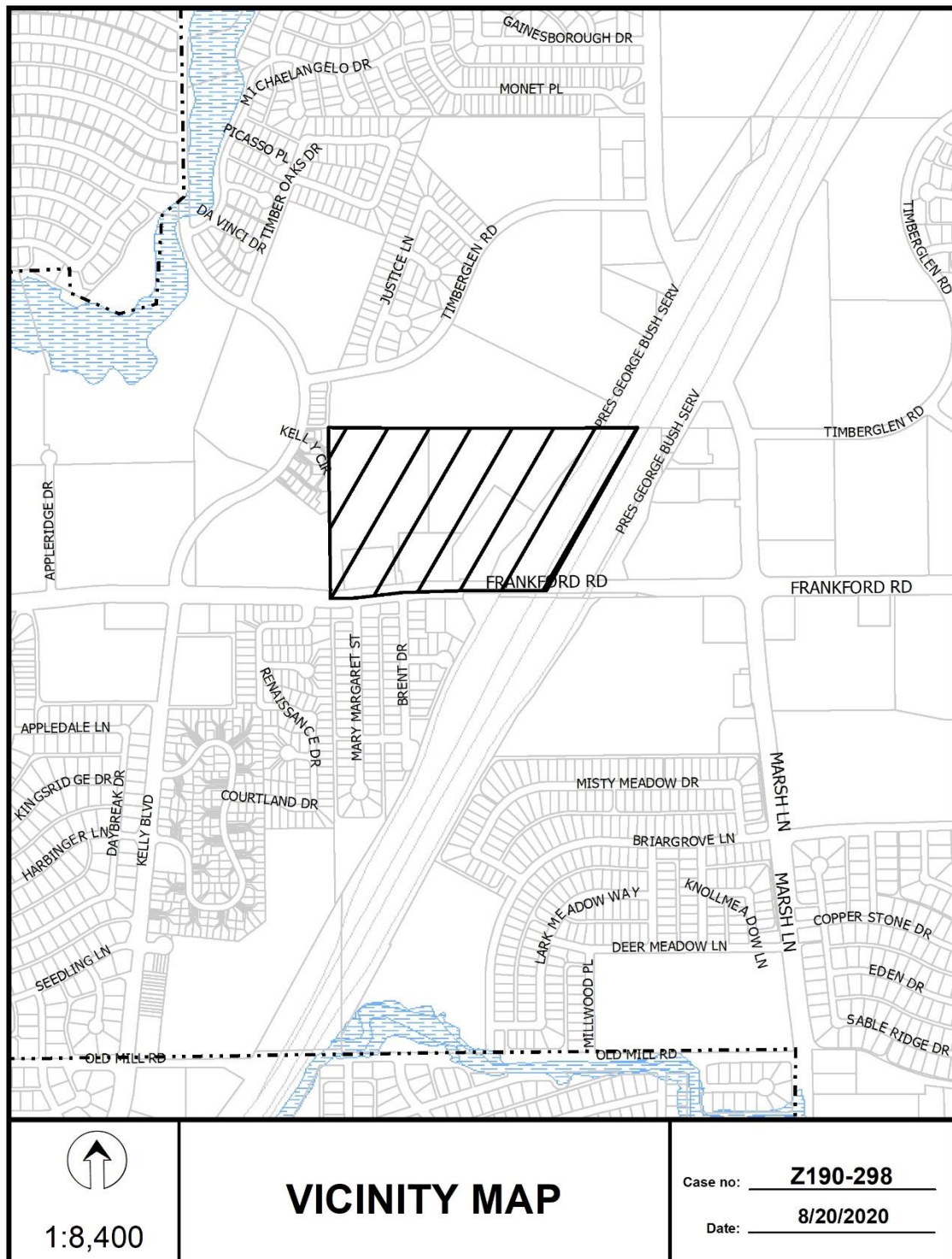
3. Detached premise signs along Frankford Road will be monument signs with a maximum height of ten feet (10') and may be incorporated in the landscape buffer and located on said berm. The maximum number of monument signs is two (2) and the maximum size of each sign is one hundred (100) square feet. Non-premise signs are prohibited.
4. No building located within two hundred fifty feet (250') of the northern right-of-way line of Frankford Road may exceed two (2) stories which shall not exceed thirty-six feet (36') in height.
5. No building located on the Property may exceed fifty feet (50') in height.
6. No tower/antenna for cellular communication may be located within two hundred fifty feet (250') of the northern right-of-way line of Frankford Road.
7. Any roof mounted mechanical equipment must be screened.
8. Parking lot lights may not exceed twenty two feet (22') in height and must be fitted with a shielded type of directional fixture to direct light onto the Property and away from adjacent properties.
9. The following uses are permitted:
  - A. Agricultural uses:
    - *Crop production*
  - B. Commercial and business service uses:
    - *Catering Service*
  - C. Institutional and community service uses:
    - *Adult day care facility*
    - *Cemetery or mausoleum*
    - *Child care facility*
    - *Church*
    - *Community service center*
    - *Library, art gallery, or museum*
    - *Public or private school*
  - D. Miscellaneous uses:
    - *Temporary construction or sales office*
    - *Placement of fill material*

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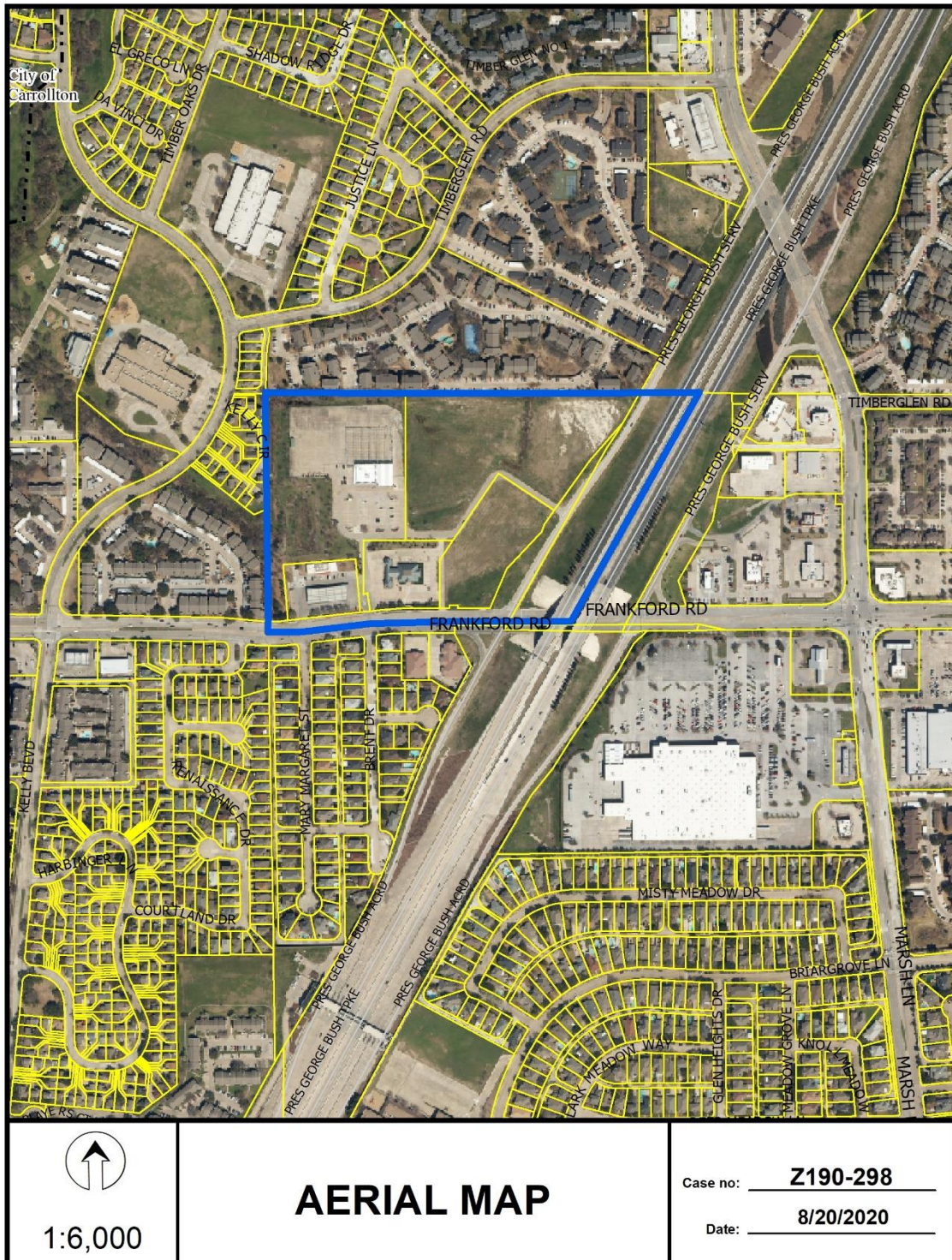
- E. Office uses:
    - *Financial institution without drive-in window*
    - *Financial institution with drive-in window*
    - *Medical clinic or ambulatory surgical center*
    - *Office*
  - F. Recreation uses:
    - *Country club with private membership*
    - *Private recreation center, club or area*
    - *Public park, playground or golf course*
  - G. Retail and personal service uses:
    - *Dry cleaning or laundry store*
    - *Furniture store*
    - *General merchandise or food store 3,500 square feet or less*
    - *General merchandise or food store greater than 3,500 square feet*
    - *Home improvement center, lumber, brick or building materials, sales yard*
    - *Motor vehicle fueling station*
    - *Nursery, garden shop or plant sales*
    - *Personal service use*
    - *Restaurant without drive-in or drive-through service*
  - H. Utility and public service uses:
    - *Electrical substation*
    - *Local utilities*
    - *Police or fire station*
    - *Post office*
    - *Tower/antenna for cellular communication*
    - *Radio, television or microwave tower*
    - *Utility or government installation other than listed*
10. Retail and Personal Service Uses are limited to a floor area ratio of .35:1.00. Office uses are limited to a floor area ratio of .5:1.00.

### III.

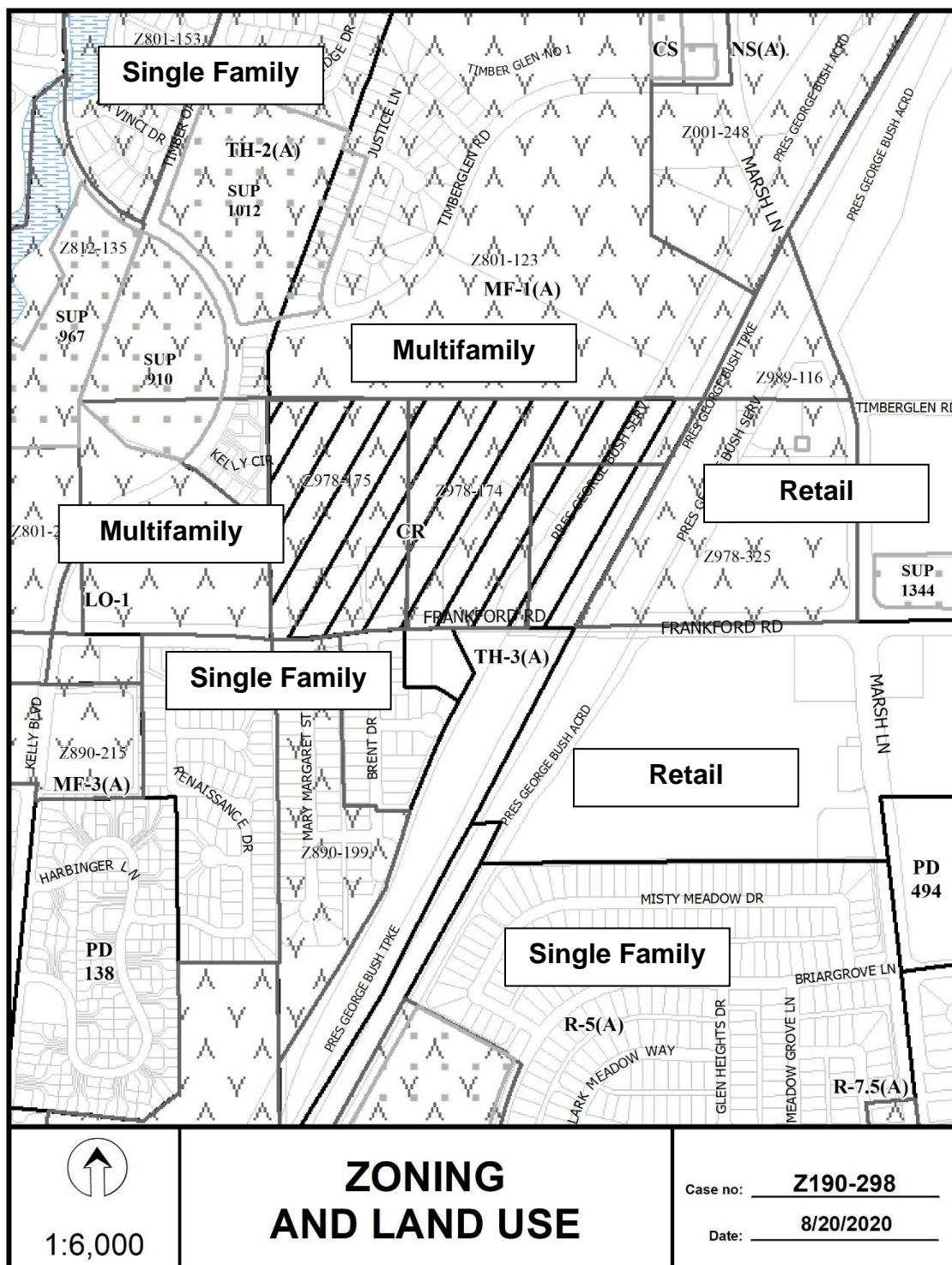
These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.



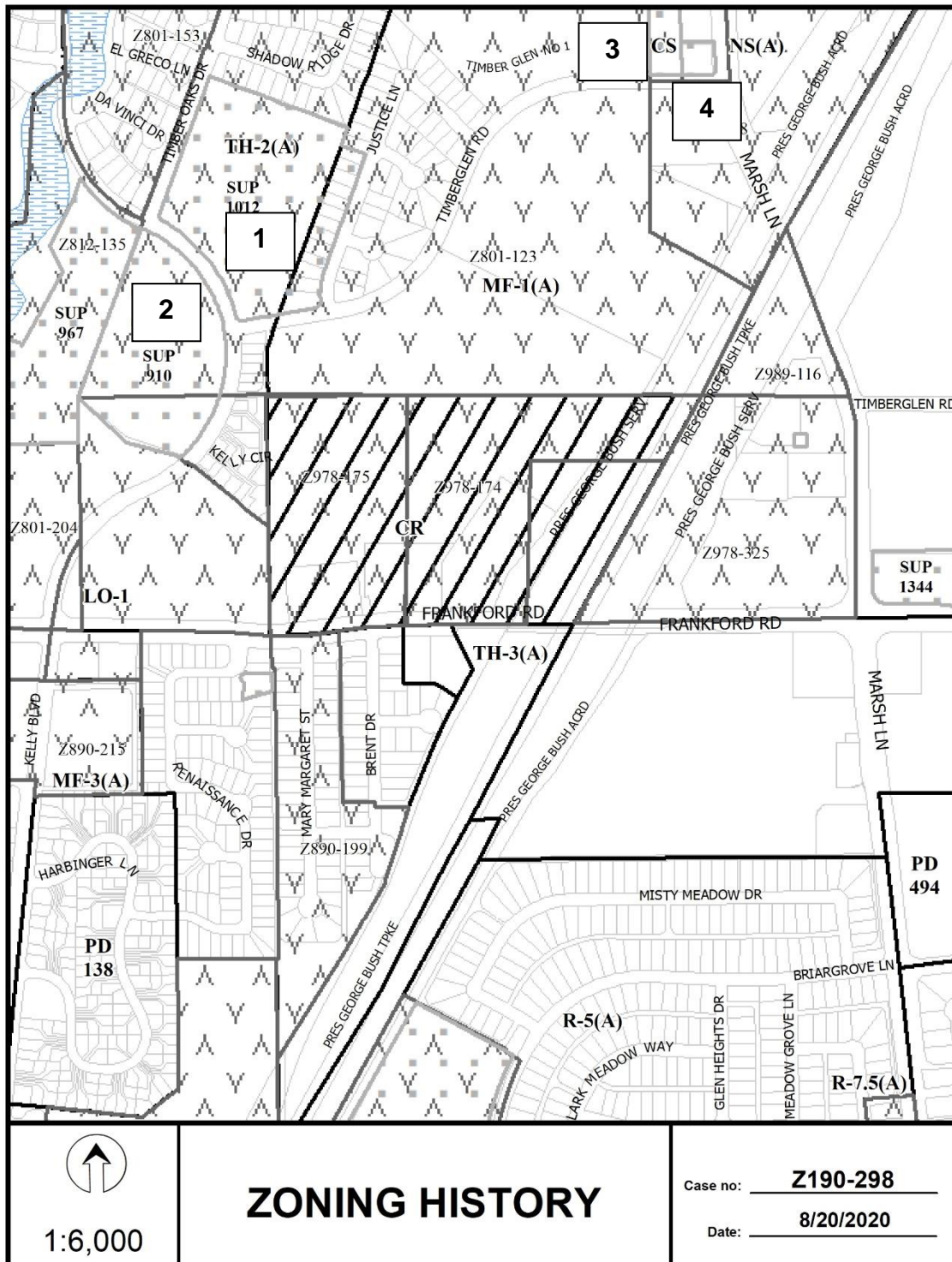


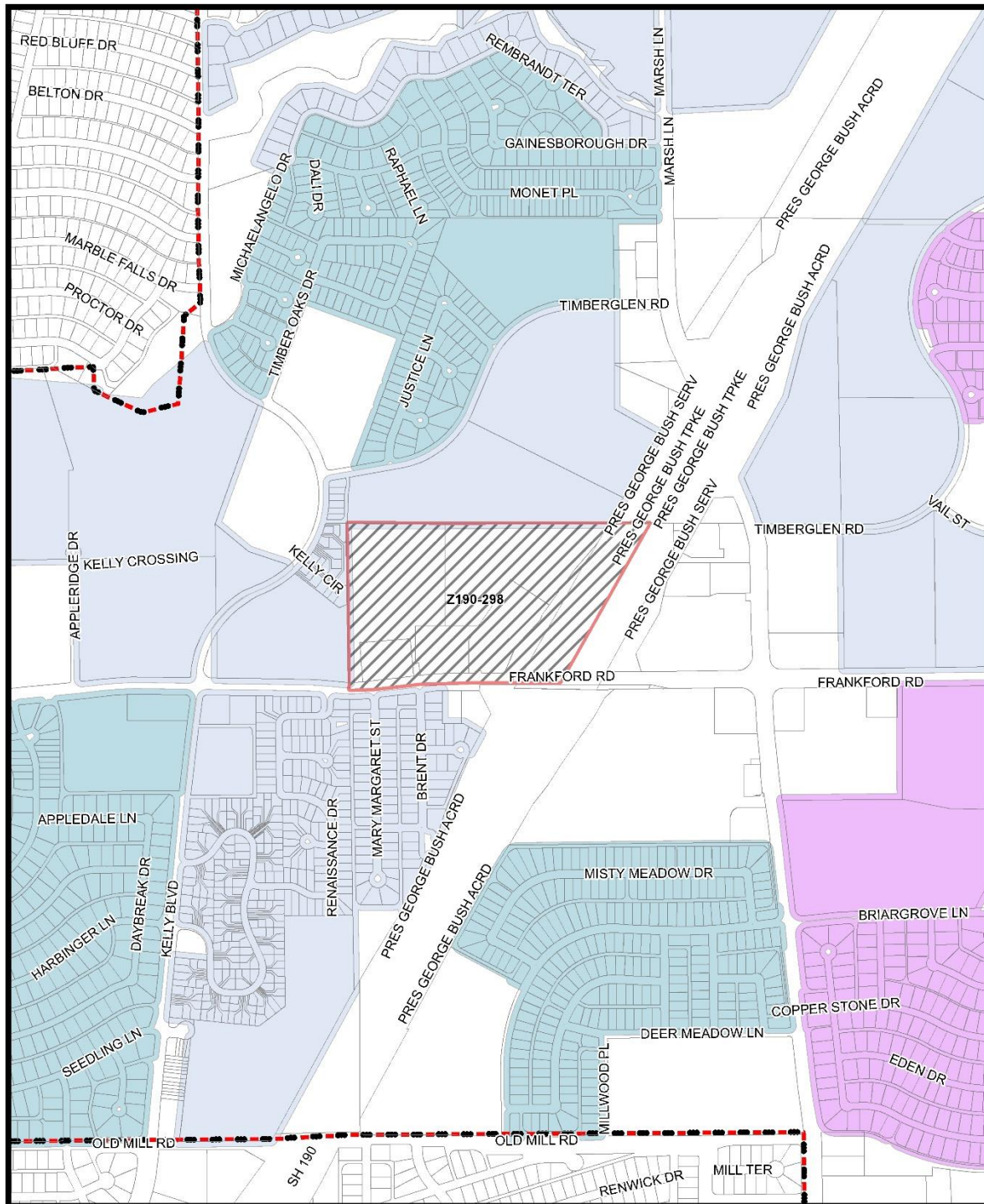












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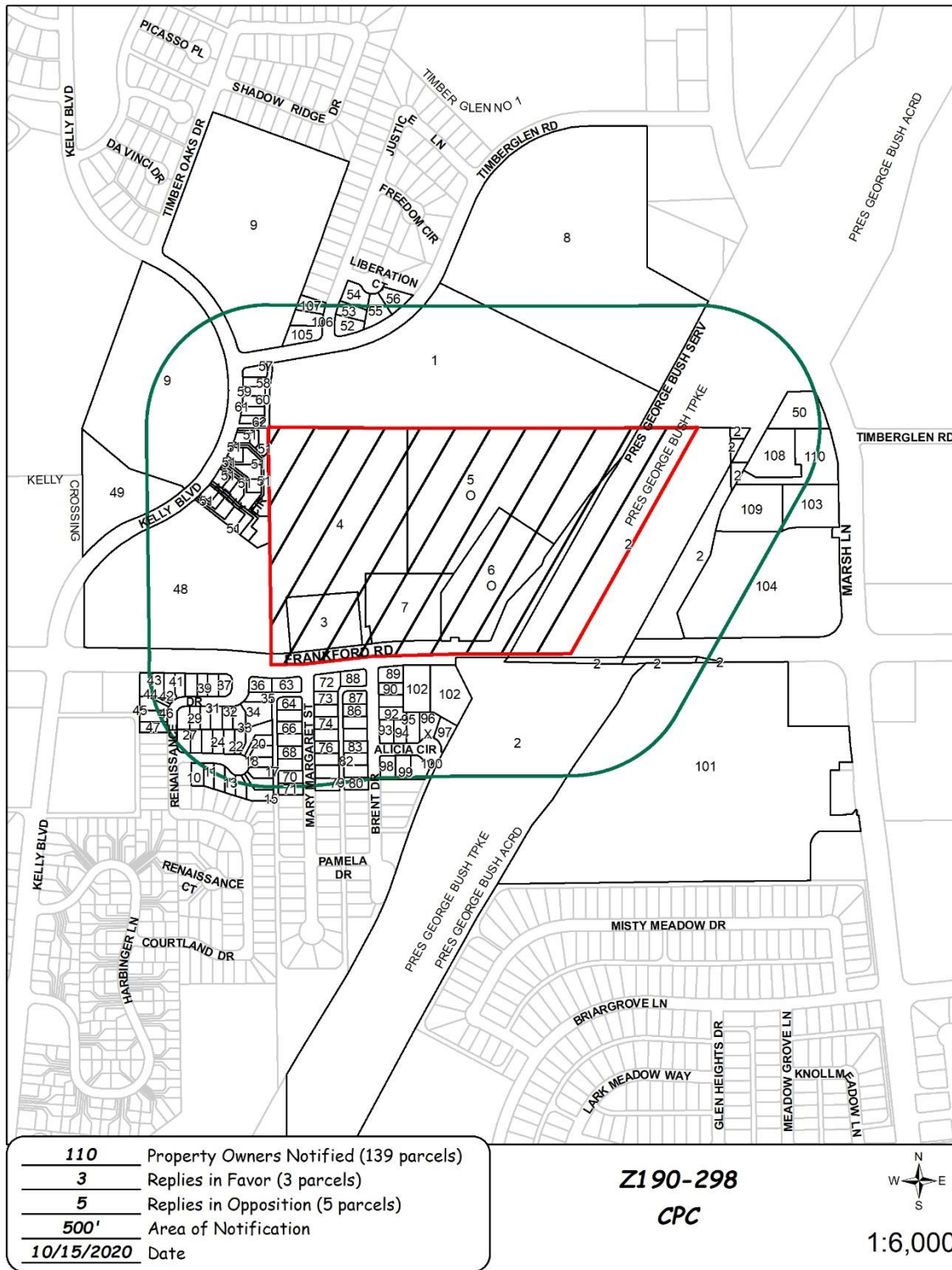
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## Market Value Analysis

Printed Date: 9/25/2020



# CPC REPSONSES



08/20/2020

***Notification List of Property Owners******Z190-298******110 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>                                 |
|-----------------------|-----------------------|---|
| 1                     | 3440 TIMBERGLEN RD    | LODGE 260 LLC                                       |
| 2                     | MARSH LN              | TEXAS, STATE OF                                     |
| 3                     | 2929 E FRANKFORD RD   | FATIMA INVESTMENTS INC                              |
| 4                     | 2945 FRANKFORD RD     | IMPACT CHURCH LONESTAR                              |
| 5                     | 2945 FRANKFORD RD     | BUCKNER INVESTMENTS LLC ETAL                        |
| 6                     | FRANKFORD RD          | ARMSTRONG FRANKFORD 190 LLC                         |
| 7                     | 3015 E FRANKFORD RD   | CITY CREDIT UNION                                   |
| 8                     | 3550 TIMBERGLEN RD    | SUNSET 320, LLC                                     |
| 9                     | 18111 KELLY BLVD      | CARROLLTON-FARMERSBRANCH ISD                        |
| 10                    | 2908 RENAISSANCE CIR  | CULPEPPER, RICHARD                                  |
| 11                    | 2912 RENAISSANCE CIR  | NGUYEN, TAM THANH & VO, NGOC                        |
| 12                    | 2916 RENAISSANCE CIR  | MISTRY, PRAGNESH                                    |
| 13                    | 2920 RENAISSANCE CIR  | CAVALCANTI, MILTON PINTO FILHO & FLAVIA VERAS SODRE |
| 14                    | 2924 RENAISSANCE CIR  | FINGERS, ALEX                                       |
| 15                    | 2928 RENAISSANCE CIR  | JAKUBOWSKI, THERESE M                               |
| 16                    | 2932 RENAISSANCE CIR  | LIM, KAU T  |
| 17                    | 2936 RENAISSANCE CIR  | SCOTT, SHURHONDA                                    |
| 18                    | 2939 RENAISSANCE CIR  | PATEL, NAINA  |
| 19                    | 2935 RENAISSANCE CIR  | RICKER, ROBERT T                                    |
| 20                    | 2931 RENAISSANCE CIR  | WALLACE, MEGAN MARIE                                |
| 21                    | 2927 RENAISSANCE CIR  | PIERONI, KAREN A                                    |
| 22                    | 2923 RENAISSANCE CIR  | CANNON, HABAKKUK & VICKKI                           |
| 23                    | 2919 RENAISSANCE CIR  | BRAIDFOOT, HEATHER                                  |
| 24                    | 2915 RENAISSANCE CIR  | CULPEPPER, PHILIP & BRIDGETTE M                     |
| 25                    | 2911 RENAISSANCE CIR  | PHAM, CHRIS MANH & PHAN, TU XUAN NGOC               |
| 26                    | 2907 RENAISSANCE CIR  | WITZEL, WENDI C                                     |

08/20/2020

| <i>Label #</i> | <i>Address</i>       | <i>Owner</i>                                  |
|----------------|----------------------|---|
| 27             | 2903 RENAISSANCE CIR | MINC, OREN                                    |
| 28             | 3312 RENAISSANCE DR  | DIETZ, RODNEY                                 |
| 29             | 3316 RENAISSANCE DR  | PHILLIPS, DEVELYN A                           |
| 30             | 3320 RENAISSANCE DR  | KUNDOMAL, CHELLARAM A & MITCHELL, PAXTON D    |
| 31             | 3324 RENAISSANCE DR  | NGANGA, MAKARIOS M                            |
| 32             | 3328 RENAISSANCE DR  | PEMBERTON, RICKY R                            |
| 33             | 3332 RENAISSANCE DR  | SRP SUB LLC                                   |
| 34             | RENAISSANCE DR       | SOUTHWEST FEDERAL SAVINGS ASSN                |
| 35             | 3340 RENAISSANCE DR  | VON SCHLEICHER, KURT & LINDA                  |
| 36             | 3344 RENAISSANCE DR  | HUYNH, KIEN Q                                 |
| 37             | 3327 RENAISSANCE DR  | WHEELER, KENNETH                              |
| 38             | 3323 RENAISSANCE DR  | SALEKIN, MICHAEL                              |
| 39             | 3319 RENAISSANCE DR  | FLORES, CARMEN                                |
| 40             | 3315 RENAISSANCE DR  | TRUONG, DZINH & NG                            |
| 41             | 3311 RENAISSANCE DR  | YATES, LEAH C                                 |
| 42             | 3307 RENAISSANCE DR  | KURTZ, MARCUS A                               |
| 43             | 3303 RENAISSANCE DR  | PATEL, HARISH R                               |
| 44             | 3247 RENAISSANCE DR  | IQBAL, MD YOUSUF & JAHAN, AKHTAR              |
| 45             | 3243 RENAISSANCE DR  | KWASNICK, GLORIA & TORRES, MANUEL G           |
| 46             | 3239 RENAISSANCE DR  | LE, PHUONG                                    |
| 47             | 3235 RENAISSANCE DR  | LACEY, AREE W                                 |
| 48             | 18050 KELLY BLVD     | TS ASSET SLATE LLC                            |
| 49             | 18051 KELLY BLVD     | KELLY 334, LLC                                |
| 50             | 18311 MARSH LN       | POP HOLDINGS LP                               |
| 51             | 18048 KELLY BLVD     | DALLAS HOUSING AUTHORITY                      |
| 52             | 18104 JUSTICE LN     | COVEY, GABRIELA NAJERA, ETUX, BRIAN ALEXANDER |
| 53             | 18108 JUSTICE LN     | GORALSKI, STEPHANIE E & BRYAN, KYLE M         |
| 54             | 18112 JUSTICE LN     | ALLEN, ELIZABETH V                            |
| 55             | 2808 LIBERATION CT   | PHAM, ALAN A                                  |
| 56             | 2812 LIBERATION CT   | BADILLO, DENNIS C & REGINA                    |
| 57             | 18080 KELLY BLVD     | ROUCHON, BARRY                                |

08/20/2020

| <i>Label #</i> | <i>Address</i>         | <i>Owner</i>  |
|----------------|------------------------|---|
| 58             | 18076 KELLY BLVD       | JARROU, RACHID & SEMRAU, ANNE                                 |
| 59             | 18072 KELLY BLVD       | MCKAY, MICHELLE T   |
| 60             | 18068 KELLY BLVD       | GRANT, ANN M  |
| 61             | 18064 KELLY BLVD       | ZHOU, DONGDONG  |
| 62             | 18060 KELLY BLVD       | ETHRIDGE, RUSSELL   |
| 63             | 17955 MARY MARGARET ST | MARQUEZ, HENRY RAFAEL & PATRICIA                              |
| 64             | 17951 MARY MARGARET ST | GILLIS, JOHN R & POWELL, LEFERRA                              |
| 65             | 17947 MARY MARGARET ST | STAVROU, ANNE M   |
| 66             | 17943 MARY MARGARET ST | WOOD, LYNDAL B W/LIFE ESTATE & DANETTE E W/LIFE<br>ESTATE TRS |
| 67             | 17939 MARY MARGARET ST | KHUU, QUAN & THU  |
| 68             | 17935 MARY MARGARET ST | MORRISROE, KATHLEEN M   |
| 69             | 17931 MARY MARGARET ST | NAMASIVAYAM, ARULRAJAH & THILLAINATHAN, UMADEVI               |
| 70             | 17927 MARY MARGARET ST | TREJO, CLAUDIA  |
| 71             | 17923 MARY MARGARET ST | SAIBABA PROPERTIES LLC  |
| 72             | 17954 MARY MARGARET ST | KIM, SUN SOON   |
| 73             | 17950 MARY MARGARET ST | MCDOWELL, MICHEAL   |
| 74             | 17942 MARY MARGARET ST | ROBINSON, DEBRA   |
| 75             | 17938 MARY MARGARET ST | FICARRA, DANIEL   |
| 76             | 17934 MARY MARGARET ST | ZHANG, JI & YANG, JIE   |
| 77             | 17930 MARY MARGARET ST | BOWYER, HARRY H & TARA  |
| 78             | 17926 MARY MARGARET ST | DEGUIA, EDGAR A   |
| 79             | 17922 MARY MARGARET ST | ZHANG, FENG   |
| 80             | 17931 BRENT DR         | SAAKOV, BORIS & ZHANNETA                                      |
| 81             | 17935 BRENT DR         | YONA, LIOR & MICHELLE   |
| 82             | 17939 BRENT DR         | RESSA, SUSAN A & RICHARD A                                    |
| 83             | 17943 BRENT DR         | FRY, AMANDA   |
| 84             | 17949 BRENT DR         | GRIESBACH, ALDEN  |
| 85             | 17953 BRENT DR         | NGUYEN, THUY  |
| 86             | 17957 BRENT DR         | YU, FUXIN   |
| 87             | 17963 BRENT DR         | NGUYEN, HANS T & MIYASHITA, JAMIE                             |
| 88             | 17967 BRENT DR         | CHENNANKARA, DAINE & BLESSY                                   |

Z190-298(CT)

08/20/2020

| <i>Label #</i> | <i>Address</i>       | <i>Owner</i>  |
|----------------|----------------------|---|
| 89             | 17966 BRENT DR       | LE, JOSEPH  |
| 90             | 17962 BRENT DR       | VARGHESE, RONY T & VARGHESE, ELIZABETH                        |
| 91             | 17958 BRENT DR       | HERNANDEZ, JORGE BERMEIO & NGUYEN, LAM T                      |
| 92             | 17954 BRENT DR       | LE, KENT T  |
| 93             | 3109 ALICIA CIR      | MCNALLY, MICHAEL HUNTER & JILLIAN L                           |
| 94             | 3115 ALICIA CIR      | ICHTER, NELSON  |
| 95             | 3119 ALICIA CIR      | SANCHEZ, DANTE S & HERNANDEZ, ABRAHAM                         |
| 96             | 3123 ALICIA CIR      | COE, SHERRY G & MICHAEL W                                     |
| 97             | 3127 ALICIA CIR      | NEIHOUSE, JEFFREY S & SHARON F                                |
| 98             | 3106 ALICIA CIR      | GARZA, JORGE A & GUADALUPE L                                  |
| 99             | 3110 ALICIA CIR      | BYNUM, CONNOR & MELISSA                                       |
| 100            | 3114 ALICIA CIR      | BRATKOVICH, MICHAEL V   |
| 101            | 18121 MARSH LN       | WAL-MART REAL ESTATE BUSINESS TRUST                           |
| 102            | 3010 E FRANKFORD RD  | MAGRATHEAN LAND & CATTLE LLC                                  |
| 103            | MARSH LN             | BARRIO HOLDING LTD & SHAZAM EQUITIES LLC & HHB<br>OLDINGS LLC |
| 104            | 3575 FRANKFORD RD    | MAB MARSH LP & EPINA PROPERTIES LIMITED                       |
| 105            | 18101 JUSTICE LN     | SUMMERS, ROBERT & HSIEH, HSIN YI                              |
| 106            | 18105 JUSTICE LN     | HAWKINS, JAMES D  |
| 107            | 18109 JUSTICE LN     | NAHANGI, HODA   |
| 108            | 3410 SH 190          | EXCHANGERIGHT NET LEASED PORTFOLIO 14 DST                     |
| 109            | 3390 GEORGE BUSH HWY | HALLE PROPERTIES LLC  |
| 110            | 18305 MARSH LN       | DULCE HOLDINGS L  |